

Cause No. 10-663-K368

THE STATE OF TEXAS

IN THE DISTRICT COURT

V.

368<sup>th</sup> JUDICIAL DISTRICT

CAROLYN BARNES

WILLIAMSON COUNTY, TEXAS

CAROLYN BARNES' NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

**A11CR237 LY**

1. Notice is hereby given that, pursuant to 28 U.S.C. §1443, Defendant Carolyn Barnes, a prisoner being unlawfully held in Williamson County Jail, hereby removes this action from the 368<sup>th</sup> Judicial District of Williamson County, Texas, to the United States District Court for the Western District of Texas, Austin Division, stating the following as grounds for removal of this action:
2. On May 10, 2010, Carolyn Barnes was charged with the offense of Aggravated Assault of a Public Servant, the public servant being, in the case, an alleged U. S. Census worker, Kathleen Gittel, who Barnes allegedly ran off Barnes' property on May 8, 2010 by firing five shots in the air.
3. A warrant for arrest was issued on May 10, 2010 and Barnes, after being informed by a Williamson County deputy that she had an outstanding arrest warrant, surrendered herself on May 11, 2010.
4. At the time of surrender, Barnes had no idea with what offense she was being charged.
5. Barnes was released on \$50,000 surety bond on May 12, 2010, transported as a prisoner to Travis County jail, where a P.R. bond of \$10,000 was revoked in an unindicted felony charge in Travis County.
6. Barnes posted \$50,000 surety bond in Travis County in Cause No. D1DC 10-200140.

FILED  
at 7:05 o'clock P M

APR 26 2011

*Lisa David*  
District Clerk, Williamson Co., TX.

7. Barnes was later indicted on September 2, 2010 by a Williamson County Grand jury to the charge of a first degree felony, Aggravated Assault on a Public Servant.

8. Barnes, at all times, has been denied access to a court of the State, the Williamson County court.

9. Barnes, at all times has been denied the rights under laws providing for the equal civil rights protections of citizens of the United States.

10. Barnes was arrested in court on February 28, 2011, and is being held in Williamson County jail pursuant to an arrest warrant which states "NO BOND".

10. By acts under color of authority from any law providing for equal rights, Barnes has been deprived of equal protection under the law, and been deprived of the most basic laws afforded under the laws, statutes, rules or regulations of the State of Texas, and the rights guaranteed in the U. S. Constitution Bill of Rights, and the civil rights guaranteed under the 14<sup>th</sup> Amendment, including but not limited to:

1. The right to face her accuser;
2. The right to Brady material;
3. The right to examine exculpatory evidence;
4. The right to competent counsel;
5. The right to a duly elected judge;
6. The right to be free from punitive and retaliatory actions by the court;
7. The right to visitation;
8. The right to receive legal mail unopened;
9. The right to sign legal documents presented in the Williamson County jail for Barnes' signature.

10. Denial of statutory and procedural due process;  
and, most importantly, the right to liberty.
11. Carolyn Barnes, who posted a \$50,000 surety bond which was accepted by the court on May 13, 2010, was summarily deprived of her freedom, due process and any and all other rights which are afforded a citizen of the United States as a matter of law and as a matter of course.
12. Carolyn Barnes in being held to pretrial punishment and shas not been afforded a trial whereby she could prove her innocence, nor has she been convicted of the charges pending.
13. On February 28, 2011, a visiting judge who was presiding under color of law, in a retaliatory, unlawful order, revoked Barnes \$50,000 surety bond as she was appearing in court on the first day of her jury trial.
14. Carolyn Barnes has been incarcerated since February 28, 2011, pretrial, without hearing, due process or access to the courts, held at Level One status within the jail, the most punitive and onerous of levels, and saddled with an incompetent court appointed attorney who will not lift a finger to assist her.
15. This action is being removed to federal court due to the most egregious civil rights violations, the loss of liberty without trial, and for failure to provide equal protection under the law.
16. The courts of Williamson County, Texas have suspended the right of habeas corpus to Carolyn Barnes.

#### PRAYER

WHEREFORE, Defendant Carolyn Barnes removes this action from the 368<sup>th</sup> Judicial District Court of Williamson County, Texas, to the United States District Court for the Western

District of Texas, Austin Division, so that this Court may assume jurisdiction over the cause as provided by law.

Respectfully submitted,



Carolyn Barnes  
Williamson County Jail  
SO# 97-46334  
P. O. Box 2119  
Georgetown, Texas 78627  
(no telephone available)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent by U. S. Postal Service on April 26, 2011 to:

John Bradley  
Williamson County District Attorney  
405 M. L. K. Street, Suite 265  
Georgetown, TX 78625

